

1 Peter K. Stris (SBN 216226)
pstris@stris.com
2 Elizabeth R. Brannen (SBN 226234)
ebrannen@stris.com
3 Victor O'Connell (SBN 288094)
voconnell@stris.com
4 STRIS & MAHER LLP
777 S Figueroa St Ste 3850
5 Los Angeles, CA 90017
T: (213) 995-6800 | F: (213) 261-0299

Colleen R. Smith (*pro hac vice*)
csmith@stris.com
STRIS & MAHER LLP
1717 K Street NW Suite 900
Washington, DC 20006
T: (202) 800-5749

6 Rahul Sethi (SBN 238405)
rs@somlawyers.com
7 Oshea Orchid (SBN 298375)
oo@somlawyers.com
8 Shelby Miner (SBN 318338)
sm@somlawyers.com
9 SETHI ORCHID MINER LLP
31007 San Martinez Rd.
10 Val Verde, California 91384
T: (855) 588-7664

11
12 *Attorneys for Plaintiffs*

13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
15

16 STEVEN HOWSE, CESAR ACOSTA,
17 WENDY A. AGUAYO, ELIZABETH
AGUIRRE, IVAN AGUIRRE, JAMES
18 AGUIRRE, TRISTAN AGUIRRE,
CARMEN ALBANES, PAMELA
19 ANDERSON, PATRICIA ANGUIANO,
TERESA ANGUIANO, JOSE
20 ANGUIANO SR, LETICIA AVILA,
ARCHIE BANAS, JOHANNA
21 BANAS, JEFFREY BARKER, JOHN
BARNETT, GEORGINA
22 BARRAGAN, JEFFREY E. BLANCO,
ROY BUTERA, FRANK CABRAL,
23 JOHN M. CAMPBELL, FRANCES
ELIZABETH CANTELLA, VINCENT
24 CANTELLA, MARIA ELOINA
CARDENAS, SHERI CECERE,
25 ROMEO WALTER CENTENO,
ELLEN CHAMBERS, R.J.
26 CHAMBERS, SAGE CHAMBERS,
JOHN CHAPPELL, ANGELA
27 CHAVEZ, JACOB CLELAND,
SARAH CLELAND, TINA CRUZ,
28 RON CUNNINGHAM, DAVE

Case No. 2:23-CV-08380-MEMF-MAR
SECOND AMENDED COMPLAINT

1 DETWILER, TANGIE DOMRIQUE,
2 WARREN DOYLE, JAYMEE DYKE,
3 STEPHANIE A. EBIA, DAVID C.
4 ERLNBACH, DAVID S.
5 ERLNBACH, RENEE
6 ERLNBACH, GEORGE ESCOBAR,
7 MARIA ESCOBAR, MARTIN
8 ESCOBAR, JENNIFER FIELDS,
9 JEFFREY FISHER, PERRI FISHER,
10 MEGHAN FRANK, LORENA
11 GALICIA, DARLENE GOLDMAN,
12 AMELIA GONZALEZ, CARMEN
13 GONZALEZ, ROBERTO
14 GONZALEZ, LON GOUDEY, MERYL
15 D. GOUDEY, CARLIE L. GROPP,
16 KEVIN GROPP, KIMBERLY A.
17 GROPP, EDGAR GUDINO,
18 GRISELDA GUTIERREZ, ALICIA R.
19 HERNANDEZ, JULIA HERNANDEZ,
20 CATHERINE HERRERA, FELICITAS
21 HERRERA, GUSTAVO A. HERRERA,
22 LEONOR N. HERRERA, DELIA
23 HERRERA, CANDICE HERRERA,
24 OSCAR HERRERA, MATTHEW
25 HERRERA, ANALISE HOWSE,
26 BREAWNA HOWSE, CRUZ G.
27 INIGUEZ, ROBERT INIGUEZ,
28 ROCIO JACOBO, FERNANDA
JARAMILLO, LIONESS-SIA
KAMARA, AMY KNOLES, DARYL
L. KRATZ, CAROLYN LAPOINTE,
NICOLAS LAZZARINI, ELIZABETH
LEAL-PEREZ, STEVEN
MONTGOMERY LEE, JANAI LEEB,
RACHELLE LOPEZ, ROBERT
LOPEZ, AMERICA LOPEZ,
VERONICA MAGANA, NICOLAS
MALDONADO, ALEXANDREA
MARIN, CHRISTIAN MARIN,
DANNY MEJIA, ELIZABETH
MELANSON, WAYNE MELANSON,
RONALD MIDDENDORF, ARTURO
MONTES CALVARIO, SUE M.
MOORE HERNANDEZ, CARLA
MOTA, GLORIA MUNOZ, ROBERT
MUTOLO-DETWILER, JEAN
MYERS, JACOB OGDEN, MELODIE
OGDEN, MARK OGDEN SR,
CHRISTIAN OLAGUEZ, SARAH
OLAGUEZ, GUILLERMO
ORELLANA, GUSTAVO OROZCO,
ROBIN ORR, AMBER ORR-ELTON,
CHRISTOPHER ORTEGA, ENRIQUE
ORTEGA, JONATHAN ORTEGA,
KARLA ORTEGA, MARTHA

1 ORTEGA, CHAD PEARCE, MELISSA
PEARCE, SAMANTHA PEARCE,
2 TAYLOR E. PEARCE, JOEL PEREZ,
CESI RAMIREZ, JUAN RAMIREZ,
3 CESAR RANGEL, MARITZA
RANGEL, MARIA RICO, IGNACIO
4 ROMERO, LISA ROMERO, MIGUEL
RUIZ, DAVID SAGE, JACQUELINE
5 SALDANA, DAIL SALZARULO,
JORGE SANCHEZ, NOHEMI
6 SANCHEZ, JEFFREY C. SELPH,
MARISOL SERRANO, ZACHARY
7 SIMPSON, HEATHER SKINNER,
KEVAN SMALLEY, SALVADOR
8 SOSA JR., MARINA STRATTON,
GAVIN M. TATE, NATALIE TATE,
9 PARKER JOHN TATE, THOMAS L.
TATE, WILLIAM TEBO, SANDRA
10 TORRES, JOSE L. VALDIVIA,
YASMINA VALDIVIA, JOANI
11 VANDOLI, LORENZO VARGAS,
JUAN L. VILLASANA, ARMANDO
12 G. YOGUEZ, DELIA YOGUEZ,
VICTORIA H. YOGUEZ,
13 ALEXANDRA YOGUEZ, ARMANDO
HERRERA YOGUEZ, LILLIAN
14 YOKOM, JAMES ZEUTZIUS, JUAN
ZIALCITA, GLORIA AGUIRRE,
15 ANDREW AIRHART, GINA
AIRHART, MATTHEW AIRHART,
16 CLIFFORD R. AIRHART III, DAVID
L. ALANIZ, NATALIE ALCARAS,
17 DAVID ALCARAS, PRISCILA
ALDANA, KAREN L. ALLAN,
18 ERLINDA AMANTILLO, BRIAN C.
ANDREW, NICHOLLE L. ANDREW,
19 DAVID ANGUIANO, JOSE
ANGUIANO, ROSALIE ANGUIANO,
20 BERNARDO ARABALO, CHERYL
ARABALO, RAQUEL ARABALO,
21 MICHAEL ARDITTO, RACHEL
ARGOTE, LESLIE ARGOTE,
22 BERNARD ARNOLD JR., AMANDA
ARREDONDO, JOSHUA AUGINO,
23 SANDRA AVILA, KURT BAKER,
SANDRA BARLAN, JOY BARNETT,
24 ADAM BARNHART, LAURA
BARNHART, ALYSON BARON,
25 ROBERT BARON, LETICIA
BARRAGAN, JOANNA DENTON
26 BARTLE, TATYANA BATRAK,
LACEY BELT, CINDI BENNETT,
27 DANIELLE BENSON, JOSEPH
BENTON, DANETTE BESS, DANIEL
28 BEYER. LISA BEYER. DEBRA

1 BLACK, COLLEEN BLANKENSHIP,
DAVID INSLEY BLANKENSHIP,
2 NICOLE BOWDEN, LORI BRALEY,
RANDY RAY BRALEY, LORAINÉ
3 BRAME, SHAYNA BRAME,
WILLIAM BRANDT, RANDI BREES,
4 JAIME BRIANO, DOUGLAS
BROERS, ANITA BROWN, JOHN
5 BROWN, REGINA BROWN,
STEPHENE BUCHANAN, LYNDA
6 BUSS, NABWIRE BUTALI,
ESMERALDA CABRERA, ISRAEL
7 CABRERA, LUIS RAUL CABRERA,
ZACHARY CALAME, ANGEL
8 CALEB, JEREMIAH CALEB, BRAD
CAMERON, KIM CAMERON, PAM
9 CARNES, DOUG CARNES, JOSE
CARRANZA, SAVANNAH
10 CARRANZA, JOE CASAS, LESLY
CASTANEDA, GEOVANNY
11 CASTRO, CELINA CEDILLO,
GABRIELA CERVANTES, WILL
12 CHAMBERS, ELISABETH
CHAPETTA, LEANNE CHASE,
13 ARTURO CHAVEZ, CHANGHUI
CHIU, REBECCA CHRISTIANSEN,
14 REBECCA FERN CHRISTIANSEN,
TYLER CHRISTIANSEN, BIANCA
15 CIOFFI, JENNIFER CLARK, ELANIT
CLEARY, MATTHEW CLEARY,
16 DONALD COLLETTA, SUSAN
COLLETTA, ARMENOUHI
17 COMSTOCK, AMY CONLAN,
CHRISTINA M. CONSOLO,
18 VINCENT CONTARINO, LIANA
CONTRERAS, MASON COOMBS,
19 GABRIEL CORNEJO, JERAMI
CRUISE, BLAKE CULHANE, GIA
20 CURCIO, GERALD CURTIS,
STEPHANIE DALIRE, RICK
21 DAVILA, WENDY DAVILA, FRANK
DE LOS REYES, KENDAL
22 DEBELLIS, MARGARITA DERO-
WALIA, ABIGAIL DESESA, CHRIS
23 DESESA, MARK DESHERLIA,
CHRISTIAN DIAZ, DANIEL DIAZ,
24 LETICIA DIAZ, RICHARD
DIGIOVANNI, JEREMIAH
25 DOCKRAY, JANET DOMINGUEZ,
MIGDALIA DOMINGUEZ, SELENA
26 JILL DOMINO, GRETCHEN M.
DONNELLY, JESSE JONATHAN
27 DONNELLY, NANTETTE G.
DONNELLY, MEGHAN DOOLING,
28 DWAINÉ S. DRIVER, SABRINA

1 DUNCAN, JUSTIN DYKE, JIM
2 EARLEY, VICTORIA ECCLES,
3 ELVIRA SALAZAR EGGER,
4 JENNIFER ELKINS, RANDAHL
5 ELKINS, AMBER ENZEN, AUSTIN
6 ENZEN, TONI ERICKSON, MARTHA
7 ESTRADA, HEATHER EVANS,
8 SUSAN M. EVANS, DARRYL
9 EVERTS, IVETTE EVERTS, JAKE
10 EVERTS, CHRISTA FARRELL,
11 DESIREE FARRELL, PATRICK
12 FARRELL, TIFFANIE FERRARA,
13 DEBORAH L. FEYERABEND,
14 BRADLY FIELDS, EMILY FIELDS,
15 WENDY FONSECA, JASON R.
16 FONTES, TRACY FORD, GEMMA
17 FOWLER, TIM FOWLER, VALERIE
18 FOX, JOSE FRANCO, CHAD
19 FREDRICKSON, NATASHA
20 FREDRICKSON, HERMAN F.
21 FRETTLOHR, MAGDALENA
22 FRETTLOHR, KATHLEEN FRITZ,
23 KERRY FROHLING, THOMAS
24 FROHLING, THOMAS O.
25 FROHLING, TAMMY LYNN FROST,
26 DELIA GALVEZ, ALEJANDRO
27 GARCIA, ARLENE MARIE GARCIA,
28 ASHLYN GARCIA, DAN GARCIA,
JOSEPH FONSECA GARCIA, PAUL
GARCIA, MONIQUE ABDELSAYED
GIBSON, GUIDO A. GIL, GUIDO E.
GIL, JOHN T. GILBERT, ANNETTE
GINSBURG, DEANDA
GIOVANNELLI, MICHAEL E.
GLASSER, ERIN GREENE,
FERNANDO GUDINO, ANTHONY
GUERRERO, JOSETTE GUIDOS,
LUIS GUIDOS, AGUSTIN
GUTIERREZ, CARLOS GUZMAN,
ELOISA GUZMAN, STACEY
HALVORSEN, CYNTHIA
HAMILTON, KAREN HANNA, PAUL
HANNA, LINET HARATUNIAN,
ERIC HARDISTY, MOUNA
HAROUN, ANGELA HARRIS,
JAMES M. HARRIS, CHERYL
HARRISON, KAREN HASKINS,
KAREN HEBEBRAND, BARI
HEIDEN, JOHN ERIC HEIDEN,
AMBER HERNANDEZ, JAIME
HERNANDEZ, JOSEFINA
HERNANDEZ, JOSEPHINE
HERNANDEZ, RODRIGO
HERNANDEZ, ELIZABETH R.
HERRARA, ERIC ROSSANA

1 HERRERA, CARIS ABIGAIL
HERRERA ESTELA, MICHAEL J.
2 HIGGINS, CHRIS HITT, DEBORAH
HOLBROOK, RALPH HOLGUIN,
3 SANDRA HOLGUIN, DREW K.
HOLLAND, KYLE HONDA,
4 ASHLEY HOOKER, BRENT HORN,
CARMEN M. HUEZO, CARLA
5 HUFFMAN, TIMOTHY HUFFMAN,
KRISTA HUGHLETT, STEFANIE
6 ISHAM, MANMEET ISSAR, RUTH
JAHN, CYNTHIA S. JAMES, JAMES
7 E. JAMES, KELLINA JAMES,
SUZANNE MARIE JAMES, BETSY
8 C. JANSEN, RICHARD R. JANSEN,
ADAM JAVIER, DENNIS JOHNS,
9 LINDA JOHNS, JENNIFER JOYCE,
BARBARA KANE, LEANNA KANE,
10 RENE KARS, CHRISTIAN KAY,
JASON KAY, STEPHANIE KAY,
11 KYLE KILROY, KENNETH KIRK,
ALaura KOURY, HARRISON
12 KOURY, PATRICIA M. KRATZER,
RICHARD KRATZER, JOSEPH
13 KROAGMAN, BECCA ASHLEY
KYSAR, CINDA KYSAR, EMILY
14 KYSAR, MAISIE ANNE
LACAMBRA, CAILA LACERNA,
15 EVELYN LAM, HUNG LAM, CARL
PHILIPPE LAPATRIE-GREENE,
16 MARIE LAPUZ, VERN LAPUZ,
JORGE LARA, XAVIER LARA,
17 ERICA E. LARSEN, ANDREW
LAWRENCE, ERIN RENEE
18 LAWRENCE, LINDSEY LEE
MERLE, SCOTT LENAHAAN,
19 CARLOS LEON, LOUIS
LESKOWITZ, ALICIA LEVALLEY,
20 JAYSON LEVALLEY, ROD
LEVALLEY, JAMES LIKO, ZOILY
21 LIKO, DANIELLE LINCOLN, JILL
LINDKAMP, RICHARD LINDKAMP,
22 BRIAN LINDSEY, JACLYN
LINDSEY, AMY LOMBARDO,
23 JUSTIN LOMBARDO, DOROTEO A.
LOPEZ, SANDRA LOPEZ, WHITNEY
24 LOWREY, BRETT LOWREY, ELISSA
LUECKE, DANICA LYNCH, CODY
25 LYON, CECILIA MACHADO,
LEONARD MACHADO, LISA
26 MACHADO, ERIN MACIAS, GRACE
MAGNAYE, GRACELL MAGNAYE,
27 RENDELL MAGNAYE, RODCOE
MAGNAYE, KEVIN MANNING,
28 CRISTA MARKMAN. ERICA

1 MARTINSON, CHRISTIAN B.
2 MARTIRE, SASHA MASCARENAS,
3 DEVON MASCARENAS,
4 NATHANIEL D. MAYERNIK,
5 CHRISTOPHER ALLEN MCCABE,
6 CYNTHIA MCCABE, VALERIE V.
7 MCMAHON, MARAVILLA MEDINA,
8 ROBERT MELANSON, ELLIOT
9 MESKIN, MEGAN MESKIN,
10 HELWAN MEZA, JESSICA MEZA,
11 YANNICK MINNITI, DENISE
12 MIRAMONTES, LYDIA MOJARRO,
13 MARTIN MOJARRO, ROBERT T.
14 MONTENEGRO, ZORI
15 MONTENEGRO, EMMANUEL
16 MONTILLA, SANDRA MONTOYA,
17 STEPHANIE MONTOYA, EDWARD
18 MORADIAN, JENNIFER MORALES,
19 SUSAN MORELAND-SHERMAN,
20 JENNIFER MORENO, ROBERT
21 MORENO, LISA MORTENSEN,
22 JOHN L. MOSSER, MARIBELLE
23 MOSSER, SHELLY L. MURAD,
24 SUSAN NATALE, CARLA NONINI,
25 EMILIO NOVELO, KISHA NOVELO,
26 MARIA H. NUNEZ-LARA,
27 DOMINICA O'DONNELL, MARK
28 O'DONNELL, ANNIKA OEBEL,
JAMES B. ONTHANK, GEORGE
ORDWAY, CHRISTINA C.
ORELLANA, MARIA OROZCO,
LUIS ORTIZ, TROY O'STEEN,
ANTHONY PAGLIARO, MICHAEL
PARESA JR., GLORIA PARKES,
CHARLES PARRA, JOHN PELINO,
KAILEE PELINO, KAISEE PELINO,
IMELDA PENA, AMANDA PEREZ,
CESAR PEREZ, CONCEPCION
PEREZ, LETICIA PEREZ, MATTHEW
PEREZ, NATALIE PEREZ, PENNY
PFEIFFER, CHELSEY PHELAN,
SANDEE PIERCE, DAVID PILCHER,
JACQUELINE PILCHER, JOHN PILE,
THOMAS R. PLANTE, YOLANDA
PLUMA, MICHAEL D. POLLARD,
BRITTANY POPE, RUSS POPE,
GERMAN QUIROZ, LISSETTE
RAMIREZ, PRISCILLA RAMIREZ,
NADIA RAMIREZ, THOMAS
RAMSEY JR., KEVIN REAGAN,
VERONICA REGALADO, DANIEL
REICHLIN, GRACE M. REICHLIN,
ASHLEE RELAFORD, SEAN
RENNER, GREGORY RESENDEZ,
CYNTHIA BECKHAM RISSLER.

1 PATRICK A. RISSLER, SHANE
2 RISSLER, HECTOR E. RODAS, JOSE
3 RODRIGUEZ, MARTIN ALDANA
4 RODRIGUEZ, ANTHONY L.
5 ROLLINS, ANTHONY ROMERO,
6 CHARLOTTE ROMERO, EMILY
7 ROMERO, JESSE ROMERO, JESSE
8 SHANE ROMERO, MICHAEL
9 ROMERO, JOAN RONIA, MADELYN
10 RONIA, AMELIA DELA ROSA,
11 COLLEEN ROSALES, JASON
12 ROSALES, COREY ROWLEY, ANA
13 RUBALCÁVA, MANUEL RUBIO,
14 YVETTE RUBIO, LINDA
15 RUGGIERO, PATRICK RUIZ,
16 STEPHANIE RUIZ, DANA RUSSELL,
17 DESIREE RUSSELL, JOHN
18 RUSSELL, MARY SABA, MANAL
19 SABA, NADIA SABA, REEM SABA,
20 DANAE SACO, MARC
21 SALZARULO, ROLANDO
22 SANCHEZ, RAUL SANTANA,
23 LYNET A. SANTIAGO, JENNIFER
24 SARKAR, ROBERT V. SCUTARO,
25 MASON SELPH, JUAN SEQUEIRA,
26 TRACY SEQUEIRA, ALEJANDRA
27 SERRANO, CORRINA SERRANO,
28 DANIELLE SERRANO, OSEAS
SERRANO, VALENTINA SETTLES,
GHAZWAN SHAHEEN, MARYROSE
SHAHEEN, MAYA SHAHEEN,
REHAB SHAHEEN, HESTER
SHEPPARD, MELANIE SHERATTE,
CRAIG SHERMAN, AMANDA
SHUSHANYAN, SEROP
SHUSHANYAN, JON P. SIGLAR,
ESTHER SILVA, GREGORY
SILVERS, KAREN SILVERS, STEVE
SILVERSTEIN, DEAN SIME,
VANESSA SIME, ALEXANDER
SMITH, KELLY SMITH, STEFANIE
SMITH, STEPHEN J. SMITH,
TALLULA SORST, DAVID STEIN,
NANCY J. STEPHENSON,
BRADLEY DAVID STOCKLAND,
SHERRY FAITH STOCKLAND,
HEATHER STONE, JOHN
STRATTON, BREANNA SWEENEY,
DALE SWEENEY, EVA
TAFIPOLSKY, KATHLEEN
TALMAN, KENNY PIERCE TANG,
JUSTIN TAYLOR, BENITA ALISON
THOMAS, BRIAN THOMAS,
DEANNA THOMAS, DANIEL
THOMPSON. KEITH D.

1 THOMPSON, BRENDA THOMPSON,
DEREK THOMPSON, DAVID H.
2 THOMSON, DENNIS M. THOMSON,
MONICA THOMSON, SANDRA
3 THOMSON, PAUL THOMSON,
FALLON TOMA, EDNA CAROLINA
4 TORRES, IVAN TORRES, MANUEL
TORRES, SETH TRACY, ANN-
5 KATHRYN TRIA, DESTINY
TRUJILLO, KRISTINE TRUJILLO,
6 MAIMOYE UKU, RYAN VALENCIA,
STEPHANIE VALENCIA-SANCHEZ,
7 CESAR A. VALIENTE, WANDA
VALIENTE, NICOLE VANDOLI,
8 ERIK VANG, ANA VASQUEZ, JOHN
VILLANO, JASBIR WALIA,
9 CATHRINE L. WALTHER, KEEGAN
WALTHER, SHAWN WALTHER,
10 AARON WARNER, LOUISE
MICHELE WEBB, ROXANNE
11 WEBBER, ALISE WESTBROOK,
EVE WILLIAMS, GEORGE
12 CHRISTOPHER WILLIAMS,
SHANNON WILLIAMS, CHARLES
13 WINZER, SYDNEY M. WINZER,
CLARISSA YERKES, JOHN
14 YERKES, AMANDA YOGUEZ,
MARIA ZAMORA, ANNA ZANE,
15 ANEL ZHUASPAYEVA, BIANCA
ZIALCITA, LILIBETH ZIALCITA,
16 MANUEL ZIALCITA, ROSALIA I.
ZIALCITA, JANET ZIMMERLY,
17 CAROL E. ZOVAK, DOUGLAS A.
ZOVAK, HEIDI AKUIN, DENNIS
18 AKUIN, YESENIA AVILA, DENA
BOGROW, ROBERTA
19 CONSTANTINE, MELISSA FLORES,
LEIF FRANCO-SOTO, BRIAN GANT,
20 SHARON GANT, ALBERTO
GUTIERREZ, LEIGH ANNE HAYES,
21 CYNTHIA HERNANDEZ, ZAHRA
KARIMKHANI, HOLLY
22 KAUFMANN MARTINEZ,
COURTNEY MARIE KELLY, LUPE
23 MEDRANO-REYES, JACLYN
MERCHANT, JACOB MERLE,
24 DANIELLE NABHOLZ-PERDUE,
ELDON PERDUE, MATTHEW R.
25 PHILLIPPS, ALANNA POLCYN,
KIYA RAMSEY, KAIA REDFERN,
26 JOHN REED, DANIELLE RIPALDI,
ANTHONY ROSALE, BRANDIE
27 ROTHWELL, CHRISTIAN
ROTHWELL, ARAMIS SAEEDNIA,
28 MAHRISSA SANTILLI, EDWARD B.

1 SKADE II, CHRISTIAN THOMPSON,
2 GERMAN VALENCIA, MARY
3 DELGADO, YEON SUNCHOI, DAN
4 VAUGHN, TREVOR CAESAR,
5 LAUREN CASTRO, AGLAYA
6 CRANDLES, LUCAS CRANDLES,
7 ANAHID DOMINGUEZ, STEVEN
8 FLYNN, SAURABH B. GANDHI,
9 CAITLYN GLECKMAN, KENNETH
10 KOLB, BRIANON LUDDEN, PETER
11 LUDDEN, CHRISTA JOHN
12 PIVOVAROFF, ISABELLA RA-
13 FLYNN, SHELLY SINGH,
14 MICHELLE SPIEGEL, DYLAN
15 THOMAS, CLAUDIO TINNIRELLO,
16 AMBAR WEBER, TROY WOODS
17 TINNIRELLO, CHARLOTTE
18 WOODS, and ERIC YBANEZ,

19 Plaintiff,

20 v.

21 CHIQUITA CANYON, LLC,
22 CHIQUITA CANYON, INC., WASTE
23 CONNECTIONS US, INC., and DOES
24 1 through 50, inclusive,

25 Defendant.

INTRODUCTION

1
2 1. Plaintiffs bring this action against Defendants Chiquita Canyon, LLC,
3 Chiquita Canyon, Inc., and Waste Connection US, Inc. Defendants operate the
4 Chiquita Canyon Landfill (“Landfill”), a 639-acre municipal solid waste landfill,
5 located in the northern section of Los Angeles County. The Landfill has served Los
6 Angeles County for more than five decades. Several neighborhoods, parks, schools,
7 and businesses surround the Landfill and are impacted by its operations.

8 2. Since approximately May of 2022, the Landfill has been experiencing a
9 significant subsurface reaction (“Subsurface Reaction”) that has grown in size and
10 impact over the last two years. The Subsurface Reaction now covers 35 acres and is
11 just 1,000 feet from the nearest residence. Defendants caused and failed to prevent the
12 Subsurface Reaction.

13 3. This Subsurface Reaction has caused noxious odors and toxic gases to
14 emanate from the Landfill, making living conditions around the Landfill unbearable
15 and causing the residents in the surrounding neighborhoods to experience headaches,
16 nosebleeds, respiratory issues, heart problems, and emotional distress, among other
17 harms.

18 4. The Subsurface Reaction has also caused the Landfill to produce large
19 amounts of leachate—a liquid made by landfills that leaches, or draws out, chemicals
20 or constituents from the waste buried in the landfill. Because of the Subsurface
21 Reaction, the Landfill’s leachate contains elevated levels of benzene and other
22 hazardous substances. Leachate emits noxious odors and chemicals and can be toxic
23 to humans when exposed to ambient air. Defendants have actively mismanaged the
24 substantial increase in leachate production at the Landfill. After their leachate
25 collection system failed, Defendants concealed leachate outbreaks at the Landfill
26 from regulatory agencies and the public. They allowed leachate to pool in ponds and
27 flow in rivers across the property. Leachate under high pressure has erupted at the
28 surface of the Landfill in geyser-like events spewing toxic chemicals into the air. The

1 Landfill is now producing over a million gallons of leachate a week. Unable to dispose
2 of this liquid properly and legally, Defendants have illegally dumped the toxic liquid
3 into the Santa Clara River.

4 5. Defendants caused this Subsurface Reaction. Defendants then failed to
5 detect the Reaction in a timely manner and, since it was discovered, have failed to
6 stop the Reaction or abate its effects. Indeed, Defendants' mismanagement of their
7 response to the Subsurface Reaction has unnecessarily elongated its effects.

8 6. Defendants' actions have created a severe nuisance and harmed the
9 health and property of nearby residents and workers.

10 7. Plaintiffs seek injunctive relief and compensatory and punitive damages
11 for the extensive harm they have suffered because of Defendants' actions.

12 JURISDICTION AND VENUE

13 8. Jurisdiction in this Court is proper under 28 U.S.C. § 1332(d)(a)(1)
14 because there is complete diversity between the parties.

15 9. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2) and (b)(1) because a
16 substantial part of the events giving rise to the claims occurred in the Central District
17 of California and because Defendants all reside there.

18 THE PARTIES

19 10. Plaintiffs are approximately 731 residents living around the Landfill who
20 have been damaged by the Subsurface Reaction. A complete list of the Plaintiffs is
21 contained in Appendix A attached hereto.

22 11. Defendant Chiquita Canyon, LLC, is, and at all relevant times mentioned
23 herein was, a limited liability company duly formed under Delaware law, with its
24 principal place of business located at 3 Waterway Square PL #110, The Woodlands,
25 Texas 77380.

26 12. Defendant Chiquita Canyon, Inc., is, and at all relevant times mentioned
27 herein was, a corporation duly formed under Delaware law, with its principal place of
28 business located at 3 Waterway Square PL #110, The Woodlands, Texas 77380.

1 13. Defendant Waste Connections US, Inc. (“Waste Connections”), is, and
2 at all relevant times mentioned herein was, a corporation duly formed under Delaware
3 law, with its principal place of business located at 3 Waterway Square PL #110, The
4 Woodlands, Texas 77380.

5 14. On information and belief, Defendant Waste Connections is the sole
6 owner of Defendant Chiquita Canyon, Inc.

7 15. Defendant Chiquita Canyon, Inc., is the sole member of Defendant
8 Chiquita Canyon, LLC.

9 16. Defendants, primarily through Chiquita Canyon, LLC, operate the
10 Landfill, which is located at 29201 Henry Mayo Dr. Castaic, CA 91384.

11 17. On information and belief, Waste Connections exercises significant
12 control of Chiquita Canyon, Inc. and Chiquita Canyon, LLC, including but not limited
13 to the general management of, and daily activities at, the Landfill.

14 18. Waste Connections, Chiquita Canyon, Inc., and Chiquita Canyon, LLC
15 at all relevant times had a unity of interest and ownership such that any individuality
16 and separateness between them has ceased, and each such entity is the alter ego of
17 each other entity.

18 19. Waste Connections, Chiquita Canyon, Inc., and Chiquita Canyon, LLC
19 present themselves to the public as one entity. For example, the Chiquita Canyon
20 Landfill website is entitled “Chiquita Canyon A Waste Connections Company.”

21 20. The following branding is featured prominently on the Landfill website,
22 at the physical entrances to the Landfill, and on letterhead used by Landfill
23 employees:



28 21. All three Defendants have the same principal office.

1 22. On information and belief, all three Defendants have the same executive
2 management team.

3 23. Both Waste Connections and Chiquita Canyon Inc. have the same three
4 corporate officers: Patrick Shea (Secretary), Mary Anne Whitney (Chief Financial
5 Officer), and Ronald J. Mittelstaedt (Chief Executive Officer).

6 24. The two “Managers or Members” of Chiquita Canyon LLC, as identified
7 on its Statement of Information filed with the California Secretary of State, are
8 Chiquita Canyon, Inc. and Ronald J. Mittelstaedt.

9 25. Documents filed with California governmental entities that regulate the
10 Landfill say that the Landfill “is owned and operated by Chiquita Canyon LLC, which
11 is a wholly-owned subsidiary of Waste Connections, Inc.”

12 26. However, many of the employees operating the Landfill on a day-to-day
13 basis, and appearing at public hearings regarding Landfill operations, are not Chiquita
14 Canyon LLC employees, but rather Waste Connections employees.

15 27. For example, Steve Cassulo and John Perkey regularly appear at the
16 monthly meetings of the Community Advisory Committee for Chiquita Canyon
17 Landfill on behalf of the Landfill operator.

18 28. Mr. Cassulo, the primary spokesperson for the Landfill, has publicly
19 identified himself as both a District Manager for Waste Connections and a District
20 Manager for Chiquita Canyon LLC. He signs his letters as “District Manger Chiquita
21 Canyon LLC,” but uses an email address with a Waste Connections email domain and
22 lists Waste Connections as his employer on several social media sites.

23 29. John Perkey does not purport to work for Chiquita Canyon LLC. He is
24 the Vice President, Deputy General Counsel of Compliance and Government Affairs
25 for Waste Connections.

26 30. The names of other Defendants and/or their involvement in the events
27 giving rise to Plaintiffs’ claims are unknown to Plaintiffs at this time. Plaintiffs
28 therefore sue such Defendants in this action by fictitious names, identified as DOES

1 1-50. Plaintiffs will seek leave of the Court to amend this Second Amended Complaint
2 to reflect the true names and capacities of the Defendants designated as Does 1-50
3 when their identities and/or involvement become known.

4 31. Defendants are jointly and severally liable to the Plaintiffs for the injuries
5 and damages Plaintiffs sustained as a proximate result of Defendants' conduct. Each
6 Defendant committed, conspired to commit, and/or ratified each of the acts and
7 omissions alleged in this Second Amended Complaint. Each of the Defendants acted
8 as the agents, servants, employees and/or joint venturers of each other and each was
9 acting within the course and scope of their agency, service, employment and joint
10 venture at all relevant times. In addition, all acts performed by each Defendant while
11 acting as an agent, servant, employee and/or joint venturer have been adopted and
12 ratified by each other Defendant.

13 **STATEMENT OF FACTS**

14 32. The Chiquita Canyon Landfill is a 639-acre Class III landfill located in
15 the northern section of Los Angeles County.

16 33. The Landfill is located immediately next to or nearby multiple towns and
17 residential neighborhoods including Val Verde, Castaic's Hasley Canyon, Hasley
18 Hills, Hillcrest, Live Oaks, and Williams Ranch neighborhoods, Santa Clarita,
19 Stevenson Ranch, and Valencia.

20 34. These towns and neighborhoods are home to several thousand residents,
21 as well as schools, parks, and churches.

22 35. The Landfill is also located next to a commercial center, which is home
23 to several dozen businesses and a post office.

24 **I. The History of the Communities Involved**

25 36. The surrounding communities have long histories that stretch back far
26 before the Landfill was created.

1 37. Val Verde was settled by Spanish settlers around a gold strike in the
2 1800s. The area had already been inhabited by the Chumash, Gabrieleño, Fernandeño,
3 Vanyume and Tataviam cultures from about A.D. 450 to the early 19th Century.

4 38. In 1924, a group of Black Los Angeles professionals bought 1,000 acres
5 to build a resort in the hills west of Castaic Junction between Hasley Canyon and the
6 Santa Clara River, in what is now known as Val Verde. The resort thrived and the
7 surrounding community expanded. Over the decades, the community transformed
8 from vacation homes to primary residences for its residents. Val Verde is now a
9 diverse community of working-class people with a population of approximately
10 3,177. It is located to the west of the Landfill.

11 39. Hasley Canyon, a community in Castaic, California, just north of the
12 Landfill, began to be developed in the 1970s. It is a horse-riding community with
13 miles of trails and many ranch properties. Hasley Canyon now has a population of
14 approximately 1,450.

15 40. The Hasley Canyon Equestrian Center, located just feet from the
16 Landfill, is a sixty-seven-acre facility along Hasley Creek featuring a fenced arena,
17 horse warm-up area, equestrian barn with office and storage space, equestrian trail
18 connections and day use parking for horse trailers and cars. This center provides a
19 public location for local equestrian enthusiasts and professionals, law enforcement
20 mounted units, and educational facilities.

21 41. Live Oaks, a community in Castaic, California located northeast of the
22 Landfill, developed in the 1980s. It contains Live Oak Elementary School and Hasley
23 Canyon Park.

24 42. The Hasley Hills community of Castaic, California, located immediately
25 to the north and northwest of the Live Oaks community, was developed from 1988 –
26 2003.

1 43. The Hillcrest community of Castaic, California, was developed north of
2 Hasley Canyon from the early 1990s to the early 2000s. Hillcrest has approximately
3 8,560 residents.

4 44. The Williams Ranch community is currently being built between the
5 Hasley Hills and Hasley Canyon communities. The developers plan to build 497 new
6 homes there.

7 45. Recently, the County approved the development of another community,
8 Sterling Ranch Estates, immediately north of the Landfill.

9 **II. The History of the Chiquita Canyon Landfill**

10 46. The Chiquita Canyon Landfill was first approved for a land reclamation
11 project by the Los Angeles County Planning Commission on December 21, 1965.

12 47. The Landfill initially operated under a series of zoning entitlements.
13 Then, on November 24, 1982, the Landfill obtained Conditional Use Permit (“CUP”)
14 1809, which permitted the Landfill to expand and continue operating under certain
15 conditions until November 24, 1997.

16 48. Prior to the expiration of CUP 1809, the Landfill operator, then Laidlaw
17 Waste Management Inc., applied for another conditional use permit to further expand
18 and extend the life of the Landfill.

19 49. On May 20, 1997, the Los Angeles County Board of Supervisors granted
20 the Landfill Conditional Use Permit 89-081(5).

21 50. CUP 89-081(5) authorized the lateral and vertical expansion of the
22 Landfill. Under CUP 89-081(5), the Landfill was permitted to operate as a Class III
23 until it reached a waste capacity of 23 million tons or until November 24, 2019,
24 whichever occurred first. Class III landfills can only accept non-hazardous solid
25 waste.

26 51. CUP 89-081(5) imposed caps on the amount of waste the Landfill could
27 receive daily and weekly. The Landfill was permitted to accept up to 6,000 tons of
28 waste per day and up to 30,000 tons of waste per week.

1 52. In the process of applying for CUP 89-081(5), Laidlaw Waste
2 Management Inc. reached an agreement with the Val Verde Civic Association that
3 would allow the Landfill to remain open until 2019 in exchange for \$250,000 a year
4 for community improvements.

5 53. After the Landfill changed ownership several times, in 2009, Waste
6 Connections, Inc. purchased the Landfill from Republic Services through its wholly
7 owned subsidiary Chiquita Canyon, Inc.

8 54. Thereafter, Chiquita Canyon, Inc. is identified in all public documents as
9 the owner and operator of the Landfill until around 2017, at which time Chiquita
10 Canyon, LLC is identified as the owner and operator of the Landfill.

11 55. In or around July 2011, Defendants began applying for permits to again
12 expand and extend the life of the Landfill.

13 56. Among other things, their proposed plan sought to expand the waste
14 disposal footprint from 257 acres to 400 acres; increase the maximum elevation of the
15 Landfill from 1,430 feet to 1,573 feet; and double the daily and weekly caps on the
16 amount of waste the Landfill could receive (increasing these caps to 12,000 tons and
17 60,000 tons respectively).

18 57. Over the next several years, the Los Angeles County Department of
19 Regional Planning assessed the proposed expansion and its environmental impacts
20 and held public hearings regarding the same.

21 58. The surrounding communities vehemently opposed the expansion. They
22 had serious concerns about how the continued operation and expansion of the Landfill
23 would impact public health, air quality, traffic, the environment, property values,
24 water qualities, and biological resources surrounding the Landfill.

25 59. Residents from the surrounding communities gave oral testimony at
26 public hearings on the matter and contacted Defendants and the Los Angeles County
27 Department of Regional Planning in writing and by phone to express their opposition.
28

1 60. In 2015, the Landfill was nearing its 23-million-ton limit, but the Los
2 Angeles County Department of Regional Planning had not yet approved or denied
3 Defendants' expansion plan.

4 61. By letter dated November 19, 2015, Mike Dean, Division Vice President
5 for Waste Management, requested that the Director of the Los Angeles County
6 Department of Regional Planning grant Defendants a temporary waiver to permit the
7 Landfill to exceed the 23-million-ton limit during the pendency of the application to
8 avoid a temporary closure of the Landfill while the application was pending.

9 62. On March 17, 2016, Richard Bruckner, the Director of Planning for the
10 Los Angeles County Department of Regional Planning granted Defendants a waiver
11 that permitted the Landfill to accept up to 29.4 million tons of waste while the
12 expansion permit was pending.

13 63. In the spring of 2016, the Landfill reached and exceeded the 23 million
14 tonnage limit allowed under CUP 89-081(5), but it continued to operate under the
15 waiver granted by Director Bruckner.

16 64. On July 25, 2017, Los Angeles County approved Defendants' expansion
17 plan and granted them Conditional Use Permit No. 2004-00042-(5).

18 65. The new CUP authorized the Landfill to continue operating and
19 expanding for another 30 years.

20 66. The new CUP laterally expanded the waste disposal area by 149 acres to
21 a total area of 400 acres.

22 67. For the first roughly seven years under the new CUP—from 2017
23 through December 31, 2024—the Landfill was permitted to intake 2,800,000 tons of
24 “combined solid waste and beneficial use materials” each year—on average
25 approximately 54,000 tons of waste each week.

26 68. For the next roughly 23 years—from January 1, 2025, through 2047—
27 the Landfill was permitted to intake 1,800,000 tons each year of “combined solid
28

1 waste and beneficial use materials”—on average approximately 35,000 tons of waste
2 each week.

3 69. CUP 2004-00042-(5) contains 130 detailed “conditions of approval.”

4 70. For example, under section 12, Defendants must “develop[], maintain[],
5 and operate[] [the Landfill] in full compliance with the conditions of [the CUP], and
6 any [applicable] law, statute, ordinance, or other regulation.”

7 71. Under section 63, Defendants must ensure the Landfill does not “create
8 a nuisance in the surrounding communities,” and must “adopt and implement
9 operational practices to mitigate air quality impacts including, but not limited to, odor,
10 dust, and vehicular air quality impacts” “[a]s required by the SCAQMD.”

11 72. Under sections 65 and 68, Defendants must conduct air and Landfill gas
12 monitoring that meets certain specifications.

13 73. Under section 64, Defendants must “use Landfill gas for energy
14 generation at the Facility or other beneficial uses, rather than flaring to the extent
15 feasible[.]”

16 74. Under section 20, any person violating a provision of the CUP is guilty
17 of a misdemeanor and the Regional Planning Commission may revoke or modify the
18 CUP if it determines that any condition of the CUP has been violated, or that the CUP
19 “has been exercised so as to be detrimental to the public’s health or safety, or so as to
20 be a nuisance[.]”

21 75. Under section 15, the Los Angeles Department of Regional Planning or
22 the Los Angeles County Department of Public Health can order the immediate
23 termination of Landfill operations if either determines that it is “necessary for the
24 health, safety, and/or welfare of the County’s residents or the environment.”

25 **III. The Subsurface Reaction**

26 76. On information and belief, beginning in approximately May of 2022, a
27 reaction began to occur underground in an inactive portion of the Landfill located in
28 the northwestern corner. This Subsurface Reaction is characterized by extreme

1 temperature increases, excessive leachate production, and a change in composition
2 and volume of the landfill gas.¹

3 77. The communities nearby the Landfill had no idea that this Subsurface
4 Reaction was occurring in May 2022.

5 78. This Subsurface Reaction continued for a full year until the odors
6 emanating from the Landfill alerted the nearby communities that something was
7 happening at the Landfill.

8 **A. In February 2023 Defendants ask for an emergency ex parte permit**
9 **variance after detecting elevated levels of dimethyl sulfide in**
10 **Landfill gas.**

11 79. A natural byproduct of the decomposition process that occurs in any
12 landfill is a gaseous substance known as “landfill gas.”

13 80. The Chiquita Canyon Landfill, like most landfills, contains a landfill gas
14 collection system that amasses gas created by the landfill and directs it to be used for
15 energy generation or combustion at a landfill flare.

16 81. In January 2023, the Chiquita Canyon Landfill collected landfill gas
17 using its landfill gas collection system and sent it to Ameresco Chiquita Energy, LLC
18 (“Ameresco”), which turned it into electricity.

19 82. On January 31, 2023, Ameresco shut down its landfill gas-to-energy
20 plant after it detected high levels of sulfur in the landfill gas coming to the plant.
21 Ameresco notified Chiquita Canyon, LLC of the shutdown.

22
23
24 ¹ There has been some debate about whether the Subsurface Reaction is a “subsurface
25 oxidation” event—which occurs when oxygen infiltrates landfill cover and causes a
26 chemical reaction—or an “elevated temperature landfill” event—which can also be
27 caused by a chemical reaction, but not oxygen infiltration. The two types of
28 subsurface events have similar symptoms, but different causes. For the purposes of
this Second Amended Complaint, the exact type of event that is occurring is not
relevant.

1 83. The following day, February 1, 2023, Chiquita Canyon, LLC ran lab tests
2 on its landfill gas and discovered the gas contained elevated levels of sulfur and
3 dimethyl sulfide.

4 84. The levels of these chemicals were so high that the Landfill was either at
5 risk of or had already violated its operating permits and the air quality rules and
6 regulations enforced by the South Coast Air Quality Management District (“South
7 Coast AQMD”).

8 85. The South Coast AQMD is the air pollution control agency for the South
9 Coast Air Basin, which covers all of Orange County and the urban portions of Los
10 Angeles, Riverside and San Bernardino counties. *See* Cal. Health & Safety Code
11 §§ 40400-540.

12 86. In this role, the South Coast AQMD is under a legal obligation to enforce
13 air quality and pollution laws and regulations within its jurisdiction.

14 87. The Landfill is within South Coast AQMD’s jurisdiction.

15 88. South Coast AQMD has adopted rules and procedures for enforcing air
16 quality and pollution laws and regulations. These rules and procedures are primarily
17 meant to ensure that the surrounding (or ambient) air meets federal and state air
18 quality standards.

19 89. In addition to its Conditional Use Permit issued by Los Angeles County,
20 the Landfill was required to obtain, and did obtain, a Title V facility permit to operate
21 from South Coast AQMD.

22 90. The Landfill was also required to obtain, and did obtain from South
23 Coast AQMD, permits to operate the different components of the Landfill, including
24 its landfill gas collection system and its leachate collection system.

25 91. After lab tests revealed elevated levels of sulfur and dimethyl sulfide in
26 the landfill gas, Chiquita Canyon, LLC sought an *ex parte* emergency variance, an
27 interim variance, and a regular variance from South Coast AQMD to avoid the
28

1 inevitable violation of its various permits and South Coast AQMD Rules and
2 Regulations.

3 92. On February 8, 2023, South Coast AQMD granted the request for an
4 emergency variance with numerous conditions, including requiring Chiquita Canyon,
5 LLC to sample and analyze the landfill gas daily, submit weekly reports regarding the
6 landfill gas composition and its efforts to resolve the elevated chemical levels in the
7 gas, and conduct a “root cause analysis” to determine the underlying cause.

8 93. On February 15, 2023, South Coast AQMD granted Chiquita Canyon,
9 LLC’s request for an interim variance, again with conditions.

10 94. Among the conditions of the interim variance was the requirement that
11 Chiquita Canyon, LLC provide “[a]ll wellhead temperature readings, lab analysis, and
12 Draeger tube readings for landfill gas from the past twelve (12) months in a Microsoft
13 Excel spreadsheet format” by February 27, 2023.

14 95. Chiquita Canyon LLC failed to provide the lab analysis and Draeger tube
15 readings from the past twelve months by February 27, 2023.

16 96. That day, the South Coast AQMD issued a Notice of Violation to the
17 Landfill for failing to provide this required information.

18 97. On May 3, 2023, South Coast AQMD granted Chiquita Canyon, LLC’s
19 request for a regular variance, again with conditions.

20 98. In its “FINDINGS AND DECISION” granting the regular variance, the
21 South Coast AQMD Hearing Board concluded Chiquita Canyon, LLC “is in violation
22 of South Coast AQMD Rules 203(b), 431.1(c)(2) and 3002(c)(1)” and that
23 “[c]ompliance [with these Rules] will be achieved when dimethyl sulfide
24 concentrations generated from the landfill are reduced to a level where all control
25 devices, including Ameresco, can operate within permitted sulfur emissions limits.”

26 99. South Coast AQMD specified that the regular variance “shall continue
27 through February 8, 2024, or until final compliance, whichever comes first.”
28

1 **B. South Coast AQMD issues hundreds of notices of violation to**
2 **Defendants regarding Landfill odors.**

3 100. While Chiquita Canyon, LLC was seeking its permit variance, odors
4 emanating from the Landfill became severe enough that residents from the
5 surrounding communities began making complaints regarding the air quality to South
6 Coast AQMD.

7 101. As part of its work in enforcing air quality and pollution regulations,
8 South Coast AQMD accepts complaints from members of the public regarding air
9 quality problems.

10 102. South Coast AQMD maintains an online complaint system and a
11 telephone hotline for accepting such complaints.

12 103. South Coast AQMD Rules contain a number of prohibitions. Relevant
13 here, South Coast AQMD Rule 402 prohibits creating a nuisance by discharging “air
14 contaminants or other material.” This Rule provides:

15 **Rule 402. NUISANCE**

16 A person shall not discharge from any source whatsoever such quantities
17 of air contaminants or other material which cause injury, detriment,
18 nuisance, or annoyance to any considerable number of persons or to the
19 public, or which endanger the comfort, repose, health or safety of any
20 such persons or the public, or which cause, or have a natural tendency to
21 cause, injury or damage to business or property.

22 104. South Coast AQMD also enforces California Health & Safety Code
23 Section 41700. Like South Coast AQMD Rule 402, Section 41700 provides:

24 (a) Except as otherwise provided in Section 41705, a person shall not
25 discharge from any source whatsoever quantities of air contaminants or
26 other material that cause injury, detriment, nuisance, or annoyance to any
27 considerable number of persons or to the public, or that endanger the
28 comfort, repose, health, or safety of any of those persons or the public,

1 or that cause, or have a natural tendency to cause, injury or damage to
2 business or property.

3 105. On information and belief, under South Coast AQMD's internal policies
4 and practices, the South Coast AQMD will dispatch an investigator to investigate a
5 potential violation of Rule 402 if it receives three nuisance complaints regarding the
6 same issue within a one-hour period. If the investigator can confirm the source of the
7 nuisance and is able to verify complaints made by at least six members of the public
8 regarding the nuisance in a 24-hour period, then South Coast AQMD will issue a
9 Notice of Violation to the source of the nuisance.

10 106. On information and belief, South Coast AQMD received its first
11 complaint from a member of the public of an odor nuisance from the Subsurface
12 Reaction in January 2023.

13 107. The complaints from community members to the South Coast AQMD
14 regarding the odors emanating from the Landfill increased significantly in April and
15 May of 2023.

16 108. South Coast AQMD dispatched investigators to investigate these
17 complaints.

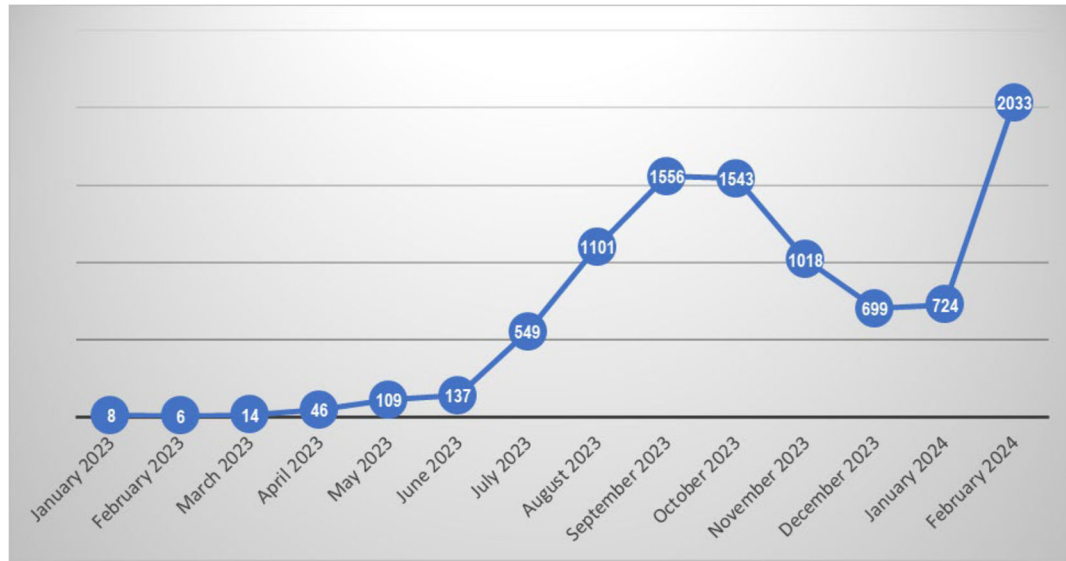
18 109. Through its investigation, South Coast AQMD traced the source of the
19 odors back to the Landfill.

20 110. South Coast AQMD also confirmed that the Landfill gas contained
21 elevated levels of sulfur, specifically dimethyl sulfide.

22 111. On May 17, 2023, South Coast AQMD issued its first Notice of Violation
23 to the Landfill for creating a public nuisance in violation of Rule 402 and California
24 Health & Safety Code § 41700.

25 112. The odors emanating from the landfill continued to worsen and the
26 complaints to South Coast AQMD continued to increase. The following graph shows
27
28

the number of complaints South Coast AQMD received regarding the landfill from January 2023 through February 2024:²



113. After investigating these complaints, South Coast AQMD issued Notices of Violation to the Landfill under California Health & Safety Code § 41700, Rule 402, and other Agency Rules on the following dates: May 18, 2023, June 25, 2023, June 27, 2023, June 28, 2023, June 29, 2023, June 30, 2023, July 2, 2023, July 3, 2023, July 7, 2023, July 10, 2023, July 11, 2023, July 13, 2023, July 15, 2023, July 16, 2023, July 17, 2023, July 18, 2023, July 19, 2023, July 20, 2023, July 21, 2023, July 22, 2023, July 23, 2023, July 24, 2023, July 26, 2023, July 27, 2023, July 28, 2023, July 29, 2023, July 30, 2023, July 31, 2023, August 1, 2023, August 2, 2023, August 3, 2023, August 4, 2023, August 5, 2023, August 6, 2023, August 7, 2023, August 9, 2023, August 10, 2023, August 11, 2023, August 12, 2023, August 13, 2023, August 14, 2023, August 15, 2023, August 16, 2023, August 17, 2023, August 18, 2023, August 19, 2023, August 21, 2023, August 23, 2023, August 24, 2023, August 25,

² U.S. Environmental Protection Agency, March 21, 2024 Chiquita Canyon Landfill Presentation, <https://www.epa.gov/system/files/documents/2024-03/presentation-chiquita-canyon-landfill-community-meeting-2024-03-21.pdf>.

1 2023, August 27, 2023, August 28, 2023, August 29, 2023, August 30, 2023, August
2 31, 2023, September 1, 2023, September 5, 2023, September 6, 2023, September 7,
3 2023, September 8, 2023, September 12, 2023, September 13, 2023, September 14,
4 2023, September 15, 2023, September 19, 2023, September 20, 2023, September 21,
5 2023, September 22, 2023, September 25, 2023, September 26, 2023, September 27,
6 2023. September 28, 2023, October 2, 2023, October 3, 2023, October 5, 2023,
7 October 6, 2023, October 9, 2023, October 10, 2023, October 13, 2023, October 16,
8 2023, October 20, 2023, October 23, 2023, October 25, 2023, October 26, 2023,
9 October 27, 2023, November 2, 2023, November 6, 2023, November 10, 2023,
10 November 13, 2023, November 15, 2023, November 16, 2023, November 28, 2023,
11 and November 29, 2023, December 2, 2023, December 6, 2023, December 12, 2023,
12 December 18, 2023, December 27, 2023, December 29, 2023, January 3, 2024,
13 January 9, 2024, January 16, 2024, January 17, 2024, January 18, 2024, January 19,
14 2024, January 24, 2024, January 25, 2024, January 30, 2024, February 6, 2024,
15 February 7, 2024, February 8, 2024, February 9, 2024, February 12, 2024, February
16 13, 2024, February 14, 2024, February 15, 2024, February 16, 2024, February 20,
17 2024, February 21, 2024, February 22, 2024, February 26, 2024, February 27, 2024,
18 February 28, 2024, February 29, 2024, March 4, 2024, March 5, 2024, March 6, 2024,
19 March 8, 2024, March 11, 2024, March 15, 2024, March 19, 2024, March 20, 2024,
20 March 21, 2024, March 22, 2024, March 25, 2024, March 27, 2024, March 28, 2024,
21 March 29, 2024, April 2, 2024, April 2, 2024, April 3, 2024, April 4, 2024, April 8,
22 2024, April 10, 2024, April 12, 2024, April 15, 2024, April 16, 2024, April 17, 2024,
23 April 18, 2024, April 19, 2024, April 22, 2024, April 24, 2024, April 25, 2024, April
24 26, 2024, April 29, 2024, April 30, 2024, May 1, 2024, May 8, 2024, May 9, 2024,
25 May 10, 2024, May 13, 2024, and May 20, 2024.

1 **C. In light of the ongoing public nuisance caused by the Landfill,**
2 **numerous state agencies issue notices of violation to Defendants and**
3 **South Coast AQMD seeks to revoke Chiquita Canyon, LLC’s permit**
4 **variance.**

5 114. On July 26, 2023, the Los Angeles County Department of Public Health
6 issued a “Public Health notice to Waste Connection, Inc. regarding the persistent foul-
7 smelling odors emanating from the Chiquita Canyon Landfill . . . that are impacting
8 the health of nearby residents.” This Public Health notice declared that the Landfill
9 was a public nuisance, in violation of California Civil Code § 3479 and Los Angeles
County Code § 11.02.190.

10 115. A few weeks later, on August 18, 2023, the Los Angeles County
11 Department of Regional Planning issued a notice of violation to Chiquita Canyon
12 LLC, stating that Chiquita Canyon LLC was violating its Conditional Use Permit by
13 creating a nuisance and failing to mitigate the air quality impacts of the facility.

14 116. On August 14, 2023, South Coast AQMD filed a motion with the South
15 Coast AQMD Hearing Board to revoke Chiquita Canyon, LLC’s permit variance in
16 light of the ongoing nuisance and issue an order for abatement. Up to that date, South
17 Coast AQMD had received more than 1,200 complaints about the Landfill and issued
18 42 notices of violation of South Coast AQMD Rule 402 and Health & Safety Code
19 Section 41700.

20 117. On September 6, 2023, the South Coast AQMD Hearing Board held a
21 hearing on the request to revoke Chiquita Canyon LLC’s permit variance and issue an
22 order of abatement.

23 118. South Coast AQMD and Chiquita Canyon, LLC presented proposed
24 findings and a stipulation of abatement to the Hearing Board at the hearing. The
25 stipulation contained 40 separate “conditions and increments of progress” aimed at
26 addressing the ongoing nuisance created by the Landfill.

27 119. The Hearing Board adopted the proposed findings and stipulation for
28 abatement.

1 120. On October 16, 2023, CalRecycle—a branch of the California
2 Environmental Protection Agency charged with overseeing the state’s waste
3 management, recycling, and waste reduction programs—issued a report finding that
4 over the prior 18 months the Landfill had experienced, among other things, a
5 “heating/smoldering event that is expanding in size and intensity,” “[u]nusual landfill
6 settlement,” “Landfill gas temperatures over 170°F” and “subsurface temperatures
7 over 195°F,” and “[e]levated carbon monoxide concentration above 1000 ppmv.” It
8 further concluded that the “conditions at the CCL are causing additional gas pressure,
9 odors, elevated leachate temperatures, and damage to the gas extraction system.”
10 CalRecycle’s report proposed 15 mitigation measures to address these problems.

11 **D. Agencies discover leachate outbreaks at the Landfill.**

12 121. In September, October, and November of 2023, staff from state, local,
13 and national agencies, including the Los Angeles County Department of Health,
14 CalRecycle, South Coast AQMD, Los Angeles Regional Water Quality Control
15 Board, California Department of Toxic Substances Control, and the United States
16 Environmental Protection Agency, conducted site visits of the Landfill. During these
17 site visits they discovered leachate—the hazardous liquid produced by landfills—was
18 seeping out of the ground in multiple locations, flowing through channels on the
19 property, and pooling in ponds.

20 122. During several site visits in November 2023, agency officials observed
21 geysers of leachate erupting from the surface of the landfill up to 18 feet in the air and
22 leachate boiling in pools.

23 123. The South Coast AQMD Hearing Board’s September 6, 2023 Findings
24 and Order for Abatement had not addressed the Landfill’s leachate collection and
25 management system because South Coast AQMD did not know it was an issue at that
26 time and Defendants had not disclosed the issue.

1 124. Upon investigation, South Coast AQMD discovered that significant
2 leachate seepage had been occurring at the Landfill for months—at least since April
3 2023.

4 125. It was also discovered that the Landfill’s leachate production had steadily
5 increased from approximately 150,000 gallons per week in January 2022 to over
6 1,000,000 gallons per week in September 2023.

7 126. The exposure of leachate to the atmosphere at the Landfill created a
8 public nuisance and violated several South Coast AQMD Rules and permit
9 requirements for the Landfill to maintain its leachate collection system in proper
10 working order.

11 127. Defendant’s failure to notify South Coast AQMD of a breakdown of its
12 leachate collection system was another violation of South Coast AQMD’s Rules and
13 unnecessarily extended the duration of the nuisance.

14 128. On November 7, 2023, South Coast AQMD asked the South Coast
15 AQMD Hearing Board to set a hearing to address the leachate outbreaks observed at
16 the Landfill.

17 129. On November 22, 2023, the Los Angeles Region Water Quality Control
18 Board (“Water Board”) issued a notice of violation of the Water Board’s waste
19 discharge requirements to the Landfill. The leachate outbreaks, and the failure to
20 report them, violated multiple rules and regulations enforced by the Water Board.

21 130. The South Coast AQMD Hearing Board held a hearing to address the
22 leachate outbreaks on January 16, 2024. By the date of the hearing, South Coast
23 AQMD had received nearly 7,000 complaints from the community regarding the
24 odors emanating from the Landfill and had issued 107 notices of violation to the
25 Landfill.

26 131. South Coast AQMD and Chiquita Canyon, LLC submitted a stipulation
27 to the Hearing Board containing proposed modifications to the order of abatement
28

1 that would address the leachate monitoring and collection system. The Hearing Board
2 adopted the stipulation.

3 **E. Agencies discover the Landfill's leachate contains elevated levels of**
4 **toxic substances and is being discharged into local waterways.**

5 132. To dispose of leachate, Defendants collect it in tanks and ship it offsite
6 for treatment at an appropriate disposal facility.

7 133. Despite knowing that the leachate may contain elevated levels of
8 benzene as a result of the Subsurface Reaction, Defendants repeatedly failed to test
9 the leachate before shipping it offsite and repeatedly shipped the leachate to facilities
10 that were not authorized to accept it.

11 134. In late November and December 2023, and February 2024, Defendants
12 shipped tanks of leachate to Radford Alexander Corp. D/B/A Avalon. The leachate
13 contained benzene, a chemical that is toxic to humans, above permitted regulatory
14 thresholds. Avalon does not have a hazardous waste treatment permit and was not
15 authorized to treat this leachate.

16 135. In January and February 2024, Defendants shipped tanks of leachate to
17 Patriot Environmental Services that contained benzene above permitted regulatory
18 thresholds. Patriot does not have a hazardous waste treatment permit and was not
19 authorized to treat this leachate.

20 136. On February 15, 2024, the California Depart of Toxic Substances Control
21 issued a notice of violations to Chiquita Canyon, LLC for shipping hazardous leachate
22 to facilities not authorized to accept it and for its repeated failures to manage all the
23 leachate being produced by the Landfill, which may contain elevated levels of
24 benzene and/or other hazardous substances.

25 137. On February 16, 2024, the California Depart of Toxic Substances Control
26 issued a Proposition 65 Notification, warning that "an illegal discharge and or a
27 threatened illegal discharge of a hazardous waste has occurred and that such discharge
28 or threatened discharge is likely to cause substantial injury to the public health or

1 safety.” The Notification explained that uncontrolled leachate seeps, which likely
2 contained hazardous substances, were likely to commingle with stormwater, reach the
3 Landfill’s sedimentation basin, and be discharged offsite, including into the Santa
4 Clara River.

5 138. Unable to ship its hazardous leachate offsite, Defendants began storing
6 more and more leachate onsite and treating some of it themselves.

7 139. Unable to handle all of the leachate being produced by the Landfill,
8 Defendants begin illegally dumping leachate into the Santa Clara River. In March
9 2024, Defendants were observed multiple times illegally dumping leachate into the
10 Santa Clara River using pumping equipment mounted on top of the south stormwater
11 detention basin spillway.

12 140. On March 28, 2024, the Water Board issued a Notice of Violation to
13 Defendants for failing to control leachate seepage and collection and permitting
14 leachate to mix with stormwater runoff, which flowed into the Landfill’s stormwater
15 basin and into the Santa Clara River. The Notice noted that samples were taken from
16 the stormwater basin on multiple occasions in December 2023, January 2024, and
17 February 2024. All of those samples contained elevated levels of multiple hazardous
18 substances.

19 141. On April 9, 2024, the Water Board issued a Notice of Violation to
20 Defendants for intentionally illegally dumping water containing unknown substances
21 into the Santa Clara River using pumping equipment.

22 **F. After Defendants repeatedly failed to address nuisances, other**
23 **agencies sanction the Landfill.**

24 142. Defendants struggled to implement remediation measures ordered by the
25 South Coast AQMD Hearing Board, the Los Angeles County Department of Public
26 Health, Solid Waste Management Program, and others. Defendants failed to meet
27 deadlines for the implementation of various remediation measures and repeatedly
28 requested deadline extensions.

1 143. After continuously failing to mitigate the ongoing odor and leachate
2 problems, on February 8, 2024, CalRecycle declared its intent to include the Chiquita
3 Canyon Landfill on the inventory of solid waste facilities which violate state
4 minimum standards. The declaration gave Defendants 90 days to implement measures
5 to bring the Landfill into compliance with state minimum standards regarding gas
6 monitoring and control and site maintenance.

7 144. On February 21, 2024, the United States Environmental Protection
8 Agency issued a Unilateral Administrative Order to Chiquita Canyon, LLC, EPA
9 DOCKET NO. RCRA 7003-09-2024-0001 and CERCLA 106-09-2024-05. This order
10 concluded that the conditions at the Landfill violated several federal laws and
11 regulations and posed an imminent and substantial endangerment to public health and
12 welfare or the environment.

13 145. On May 15, 2024, CalRecycle issued a notice to Defendants that the
14 Landfill had been included on the inventory of solid waste facilities which violate
15 state minimum standards.

16 **G. Throughout these events, Plaintiffs in surrounding communities**
17 **were harmed.**

18 146. While all of the above events were occurring, Plaintiffs were suffering.
19 The noxious odors and toxic gases emanating from the Landfill made living
20 conditions around the Landfill unbearable.

21 147. The noxious odors and toxic gases caused Plaintiffs, all of whom live in
22 the surrounding towns and neighborhoods, to experience headaches, nosebleeds,
23 respiratory issues, and heart problems, amongst other harms.

24 148. Plaintiffs were forced to remain inside their homes and forego the use of
25 their yards to avoid the noxious odors and attendant health effects.

26 149. Plaintiffs were also forced to keep their doors and windows closed when
27 weather conditions otherwise would not so require, solely to avoid the noxious odors
28 and attendant health effects.

1 150. Plaintiffs also experienced significant distress about the harmful health
2 effects of the noxious odors and toxic gases to which they and their families were
3 exposed. For example, they worried that shorts stints outside to perform necessary
4 tasks—like mowing their lawn—would expose them to toxic chemicals that could
5 have unknown short and long-term health effects. As another example, they worried
6 that allowing their children to play outside or go to school would harm their children's
7 health in unknown ways. Plaintiffs worried that they were being harmed by toxic
8 chemicals even when the noxious odors were not present. For some Plaintiffs the
9 persistent, noxious odors and toxic gases, and their unknown effects, occupied their
10 minds on a regular basis, caused daily stress, and, on occasion, significant anxiety.

11 151. Plaintiffs were embarrassed by the odors and reluctant to invite guests to
12 their homes.

13 152. The odors decreased the value of Plaintiffs' properties and assets and
14 made it difficult or even impossible for Plaintiffs to move out of the area.

15 153. The Subsurface Reaction and effects described above continue to this
16 day and continue to cause Plaintiffs significant harm on a daily basis.

CAUSES OF ACTION

FIRST CAUSE OF ACTION
PRIVATE NUISANCE

154. Plaintiffs restate the allegations set forth in the preceding paragraphs.

155. Plaintiffs all own, lease, occupy or control the properties on which they
reside, which are all located near the Landfill.

156. Noxious odors, pollutants, and air contaminants have entered and
continue to enter Plaintiffs' properties.

157. These noxious odors, pollutants, and air contaminants originated from
the Landfill, specifically from landfill gas and leachate emanating from the
Subsurface Reaction at the Landfill.

1 158. At all relevant times, the Landfill was constructed, maintained and/or
2 operated by Defendants.

3 159. Defendants caused the Subsurface Reaction, failed to prevent the
4 Subsurface Reaction, failed to stop the Subsurface reaction, and failed to construct,
5 maintain, repair and operate the Landfill in a manner that would not harm Plaintiffs.

6 160. Defendants have failed to abate the effects of the Subsurface Reaction,
7 which continues to harm Plaintiffs on a daily basis.

8 161. Defendants' actions or failures to act caused (and continue to cause) the
9 noxious odors, pollutants, and air contaminants to enter Plaintiffs' properties.

10 162. The odors, pollutants and air contaminants invading Plaintiffs' properties
11 are harmful to Plaintiffs' health, indecent and/or offensive to the senses, and obstruct
12 the free use of their property so as to substantially interfere with the comfortable
13 enjoyment of life and/or property, including in but not limited to the following ways:
14 causing Plaintiffs to inhale noxious and toxic gases and chemicals, which caused
15 personal injury to them including, but not limited to, headaches, dizziness,
16 nosebleeds, difficulty concentrating, difficulty breathing, heart problems, and other
17 latent health problems; causing Plaintiffs significant distress about the harmful health
18 effects of the noxious and toxic gases and chemicals to which they and their families
19 were exposed; causing Plaintiffs to remain inside their homes and forego the use of
20 their yards; causing Plaintiffs to keep doors and windows closed when weather
21 conditions otherwise would not so require; causing Plaintiffs embarrassment and
22 reluctance to invite guests to their homes; and negatively impacting Plaintiffs' assets'
23 values.

24 163. Defendants' actions or failures to act were (and are) intentional and
25 unreasonable, or unintentional, but negligent, reckless, or abnormally dangerous.

26 164. The noxious odors, pollutants, and air contaminants have—and continue
27 to—substantially interfere with Plaintiffs' use or enjoyment of their properties.
28

1 165. An ordinary person would reasonably be annoyed or disturbed by
2 Defendants' actions or failures to act and by the noxious odors, pollutants, and air
3 contaminants that have entered—and continue to enter—Plaintiffs' properties.

4 166. As a foreseeable, direct, and proximate result of Defendants' actions or
5 failures to act, Plaintiffs and their families suffered, and continue to suffer, personal
6 injuries, emotional distress, and damage to their property as alleged herein.

7 167. Plaintiffs have never given consent for noxious odors, pollutants, dust,
8 debris, and air contaminants to enter and settle upon their land and property.

9 168. The seriousness of the harm caused by Defendants' actions or failures to
10 act outweighs the public benefit of Defendants' conduct.

11 169. Defendants' substantial and unreasonable interference with Plaintiffs'
12 use, and enjoyment of their property constitutes a private nuisance for which
13 Defendants are liable to Plaintiffs.

14 170. Defendants' actions were, and continue to be, intentional, willful,
15 malicious, oppressive, and made with a conscious disregard for the rights or safety of
16 Plaintiffs.

17 171. Plaintiffs are entitled to compensatory, exemplary, and punitive
18 damages, medical monitoring, injunctive relief, and reasonable attorneys' fees
19 pursuant to California Code of Civil Procedure § 1021.5 and otherwise.

20 172. This private nuisance appears to be a continuing nuisance that may be
21 abated. However, because the Subsurface Reaction is still ongoing and Defendants
22 have been unable to abate its effects, the private nuisance may be a permanent
23 nuisance. Plaintiffs reserve the right to seek all damages caused by the nuisance,
24 whether it proves to be continuing or permanent.

25 **SECOND CAUSE OF ACTION**
26 **NEGLIGENCE**

27 173. Plaintiffs restate the allegations set forth in the preceding paragraphs.
28

1 174. At all relevant times, Defendants owned, operated, managed,
2 maintained, and controlled the Landfill.

3 175. Defendants owed Plaintiffs the duty to exercise due care in the
4 ownership, design, operation, management, supervision, inspection, maintenance,
5 repair, and/or control of the Landfill.

6 176. Defendants further owed a duty to operate the Landfill in compliance
7 with all applicable laws, rules, and regulations.

8 177. On occasions too numerous to mention, Defendants breached these
9 duties by negligently: constructing, maintaining and/or operating the Landfill, causing
10 the Subsurface Reaction, failing to prevent the Subsurface Reaction, failing to stop
11 the Subsurface reaction, and failing to abate the effects of the Subsurface Reaction.

12 178. Defendants' negligence continues to this day, as Defendants' ongoing
13 negligence has permitted the Subsurface Reaction and its effects to persist.

14 179. Defendants' negligence directly and proximately caused noxious odors,
15 pollutants, and air contaminants, emanating from landfill gas and leachate, to invade
16 Plaintiffs' properties and public spaces on occasions too numerous to mention.

17 180. Defendants' negligence directly and proximately caused Plaintiffs to
18 suffer personal injury and damage to their properties as alleged herein, including:
19 causing Plaintiffs to inhale noxious and toxic gases and chemicals, which caused
20 personal injury to them including, but not limited to, headaches, dizziness,
21 nosebleeds, difficulty concentrating, difficulty breathing, heart problems, and other
22 latent health problems; causing Plaintiffs significant distress about the harmful health
23 effects of the noxious and toxic gases and chemicals to which they and their families
24 were exposed; causing Plaintiffs to remain inside their homes and forego the use of
25 their yards; causing Plaintiffs to keep doors and windows closed when weather
26 conditions otherwise would not so require; causing Plaintiffs embarrassment and
27 reluctance to invite guests to their homes; and negatively impacting Plaintiffs' assets'
28 values.

1 181. These harms were reasonably foreseeable by Defendants.

2 182. Defendants' breaches of their duties to Plaintiffs were committed
3 knowingly, maliciously, and with a conscious disregard of the rights or safety of
4 others.

5 183. Plaintiffs are entitled to compensatory, exemplary, and punitive
6 damages, medical monitoring, injunctive relief, and reasonable attorneys' fees
7 pursuant to California Code of Civil Procedure § 1021.5 and otherwise.

8 **THIRD CAUSE OF ACTION**
9 **NEGLIGENCE PER SE**

10 184. Plaintiffs restate the allegations set forth in the preceding paragraphs.

11 185. Defendants own, operate, manage, maintain, and control the Landfill.

12 186. Defendants owed a duty to operate the Landfill in compliance with all
13 applicable laws, rules, and regulations.

14 187. At all times relevant hereto, South Coast AQMD Rule 402 was in full
15 force and effect. It provides:

16 Rule 402. NUISANCE

17 A person shall not discharge from any source whatsoever such quantities of air
18 contaminants or other material which cause injury, detriment, nuisance, or
19 annoyance to any considerable number of persons or to the public, or which
20 endanger the comfort, repose, health or safety of any such persons or the public,
21 or which cause, or have a natural tendency to cause, injury or damage to
22 business or property.

23 188. At all times relevant hereto, California Health & Safety Code § 41700
24 was in full force and effect. It provides:

25 (a) Except as otherwise provided in Section 41705, a person shall not discharge
26 from any source whatsoever quantities of air contaminants or other material
27 that cause injury, detriment, nuisance, or annoyance to any considerable
28 number of persons or to the public, or that endanger the comfort, repose, health,

1 or safety of any of those persons or the public, or that cause, or have a natural
2 tendency to cause, injury or damage to business or property.

3 189. On occasions too numerous to mention, Defendants violated South Coast
4 AQMD Rule 402 and California Health & Safety Code § 41700 by negligently:
5 constructing, maintaining and/or operating the Landfill, causing the Subsurface
6 Reaction, failing to prevent the Subsurface Reaction, failing to stop the Subsurface
7 reaction, and failing to abate the effects of the Subsurface Reaction.

8 190. On occasions too numerous to mention, Defendants violated South Coast
9 AQMD Rule 402 and California Health & Safety Code § 41700 by discharging
10 noxious odors, pollutants, and air contaminants, and permitting these noxious odors,
11 pollutants, and air contaminants, to invaded public spaces and Plaintiffs' properties.

12 191. To date, South Coast AQMD has received approximately 10,000
13 complaints from community members regarding the noxious odors emanating from
14 the Landfill and has issued more than 100 notices of violation of South Coast AQMD
15 Rule 402 and California Health & Safety Code § 41700 to the Landfill because of
16 these odors.

17 192. Defendants' violations of South Coast AQMD Rule 402 and California
18 Health & Safety Code § 41700 directly and proximately caused Plaintiffs to suffer
19 serious personal injury and damages to their properties as alleged herein.

20 193. South Coast AQMD Rule 402 and California Health & Safety Code
21 § 41700 were adopted to prevent the discharge of noxious odors, pollutants, and air
22 contaminants and the resultant health and property harms, like those suffered by
23 Plaintiffs.

24 194. Plaintiffs were and are among the class of persons that South Coast
25 AQMD Rule 402 and California Health & Safety Code § 41700 were intended to
26 protect.

1 195. Defendants' unnumerable violations of South Coast AQMD Rule 402
2 and California Health & Safety Code § 41700 were committed knowingly,
3 maliciously, and with a conscious disregard of the rights or safety of others.

4 196. Plaintiffs are entitled to compensatory, exemplary, and punitive
5 damages, medical monitoring, injunctive relief, and reasonable attorneys' fees
6 pursuant to California Code of Civil Procedure § 1021.5 and otherwise.

7 **PRAYER FOR RELIEF**

8 Plaintiffs request relief against all Defendants as follows:

- 9 1. Judgment in favor of Plaintiffs and against Defendants on all claims;
- 10 2. Injunctive relief against Defendants to prevent further harm to Plaintiffs,
11 including provisions for Defendants' remediation of the nuisance, ongoing monitoring
12 of Plaintiffs' property, forfeiture and/or relinquishment of the Landfill's CUP, closure
13 of the Landfill, and implementation of a closure plan;
- 14 3. Compensatory and general damages to be proven at trial, to include:
 - 15 (a) Damages for personal injuries;
 - 16 (b) Damages for harm to real and/or personal property, including
17 diminution of property value;
 - 18 (c) Damages for the lost use of or the lost quiet enjoyment of real and/or
19 personal property;
 - 20 (d) Damages for past medical and incidental expenses;
 - 21 (e) Damages for lost wages, earning capacity, business profits or
22 proceeds and/or any related displacement expenses;
 - 23 (f) Damages for the cost of future medical monitoring; and
 - 24 (g) Damages for fear, worry, annoyance, discomfort, disturbance,
25 inconvenience, mental anguish, and emotional distress;
- 26 4. An award of punitive and exemplary damages;
- 27 5. An award of attorneys' fees, pursuant to California Code of Civil
28 Procedure § 1021.5 and any other appropriate source, and all other costs of suit;

6. An award of pre-judgment and post-interest; and
7. Any further relief the Court deems just and proper.

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a jury trial.

Dated: May 22, 2024

Respectfully submitted,

STRIS & MAHER LLP

/s/ Victor O'Connell

Victor O'Connell

STRIS & MAHER LLP

Peter K. Stris

pstris@stris.com

Elizabeth R. Brannen

ebrannen@stris.com

Victor O'Connell

voconnell@stris.com

777 S Figueroa St Ste 3850

Los Angeles, CA 90017

Colleen R. Smith

csmith@stris.com

1717 K Street NW Suite 900

Washington, DC 20006

SETHI ORCHID MINER LLP

Rahul Sethi

rs@somlawyers.com

Oshea Orchid

oo@somlawyers.com

Shelby Miner

sm@somlawyers.com

31007 San Martinez Rd.

Val Verde, California 91384

Attorneys for Plaintiffs